

MINUTES  
POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE  
September 13, 2011

A regular meeting of the Tennessee Board of Medical Examiners' Polysomnography Professional Standards Committee was held at the Health Related Boards, 227 French Landing, HRB Conference Room, Nashville, TN 37243.

Members Present: Donna J. Lovitt, PSGP  
Bryan P. Hughes, PSGP  
Roxanne M. Valentino, M.D.  
Kristin W. Lester, PSGP

Member Absent: Madelyn Cunningham, Consumer Member  
Donald Samples, Ed. D  
Natasha C. Webb, PSGP

Staff Present: Rosemarie Otto, Executive Director  
Marsha Arnold, Unit Manager  
Mona N. Jean-Baptiste, Advisory Attorney  
Kimberly Hodge, Administrator

The Committee convened at 10:00 a.m. A quorum was present and Dr. Valentino, the Chair, called the meeting to order with a roll call.

**Approval of Minutes**

Ms. Lovitt made a motion to approve the minutes from the May 10, 2011 and May 17, 2011 Committee Meeting. Ms. Lester seconded the motion. The motion carried.

**Applicant Interviews**

**Muhammad Arshad MD, PSGT-** Dr. Arshad applied for a polysomnography technologist license to provide sleep-related services under the general supervision of a licensed physician in Tennessee. Dr. Arshad was requested to appear to determine if he meets the educational requirements to hold a Tennessee license outlined in Tenn. Code. Ann. Sect. 63-31-106.

After a review of the American Board of Sleep Medicine Handbook, the Committee determined that Dr. Arshad, who was a Medical Doctor in Pakistan, met all educational requirements of the A-step program under pathway # 1 of the Board of Registered Polysomnographic Technologist. The American Board of Sleep Medicine Handbook provides, in part, that candidates who currently hold a valid medical degree (MD or DO) in the United States and train in an AASM-accredited sleep center are eligible to take the BRPT. Ms. Lovitt made a motion to approve Dr. Arshad for licensure and Ms. Lester seconded the motion. The motion carried.

**Dewayne Miller** – Mr. Miller applied for a polysomnography technician license (temporary permit) to provide sleep-related services under the general supervision of a licensed physician in Tennessee. He was requested to appear because of a 2006 simple assault/domestic violence conviction and his 2011 conviction for making obscene/harassing/threatening phone calls in Clarksdale, Mississippi. Ms. Lovitt made a motion to approve the application contingent upon an evaluation by the Tennessee Medical Foundation. Mr. Hughes seconded the motion. The motion carried.

**Gavin Hawk, PSGT** – Mr. Hawk applied for a polysomnography technologist license to provide sleep-related services under the general supervision of a licensed physician in Tennessee. He was requested to appear because of a DWI conviction in 2007, felony eluding arrest in 2008, and felony hit and run with serious injury or death in 2009 in North Carolina. After discussion, Mr. Hughes made a motion to approve his application for licensure contingent upon an evaluation by the Tennessee Medical Foundation. Ms. Lester seconded the motion. The motion carried

### **File Review**

**Ashley Spivey** - At the October 26, 2010 meeting Ms. Spivey's application was denied by the Committee because she did not meet the statutory requirements for licensure; however, the application was not presented to the Committee for review. Upon review of Ms. Spivey's application a motion was made by Ms. Lester and seconded by Ms. Lovitt. The Committee voted to deny her application because she graduated from the training program in December 2008 and is not eligible for an exemption under Tenn. Code. Ann Sect. 63-31-107 (a)(1).

### **Questions From Beverly S. Tallent Regarding Home Sleep Equipment and Testing**

The Committee reviewed questions regarding Home Sleep Equipment and Testing that were submitted by Beverly S. Tallent, Coordinator of Sleep Services. Ms. Tallent's questions included: can a private physician office give out the home sleep equipment and instruct the patient in its use and the sleep center stage / score / offer treatment/ and follow the patient, can a private physician office mail the home sleep equipment to the patient with a instructional DVD in its use and the sleep center then stage / score / offers treatment/ and follow the patient, and can a sleep center mail the home sleep equipment to the patient with a instructional DVD in its use and the sleep center then stage / score / offers treatment/ and follow the patient? After a discussion, Ms. Lovitt made a motion to invite Ms. Tallent to the November 1, 2011 Committee to discuss her question. Mr. Hughes seconded the motion and the motion carried.

### **Financial Report**

Ms. Rosemarie Otto reviewed the Committee's financial statement and advised them that it is projected that they will close fiscal year 2011 in the red. The Committee was advised of certain expenses they could expect in the future, including the cost of the RBS

upgrade and the cost of a contract with a peer assistance program. Ms. Otto advised the Committee that in order to become financially self-sufficient, pay its portion of the costs associated with the RBS update and enter into a peer assistance contract, a fee increase would be necessary. After some discussion, Mr. Hughes made a motion to increase the initial application fee to \$200.00 and the renewal fee to \$125.00. Ms. Lester seconded the motion and the motion carried.

### **Capillary Blood Gas Test on Sleep Center Patients**

Dr. Robert Schourmacher, Medical Director Lebonheur Pediatric Sleep Disorders Center, requested for an advisory ruling from the Board of Medical Examiners and the Committee as to whether a Registered Polysomnographic Technologist should be allowed to perform capillary blood gas tests on sleep center patients. After a discussion, Ms. Lovitt made a motion to defer to the Board of Medical Examiners. Mr. Hughes seconded the motion. The motion carried.

### **Peer Assistance Contract for a Ruling**

The Committee discussed the benefits of a relationship with a peer assistance organization. Ms. Lovitt made a motion to authorize the administrative staff to seek responses from peer assistance organizations interested in providing monitoring services to the Committee's applicants and licensees. Mr. Hughes seconded the motion. The motion carried.

### **Policy Regarding a Time Frame of the Trainee/Student**

The Committee discussed whether an applicant that has enrolled in an A-STEP program should have a defined time frame as a trainee/student and be required to show proof of enrollment in the program. The impetus for the Committee's discussion is that trainees frequently pay \$50.00 to enroll in an A-STEP program but do not take the more expensive \$3,500.00, eighty-hour didactic course or pay the \$50.00 for each module. Instead they work under the trainee/student status for indefinitely. Tenn. Code. Ann. Sect. 63-31-107 requires a trainee/student to be actively enrolled in an accredited training program. The Committee was asked to interpret what it means to be "actively enrolled" in an accredited training program.

After a discussion, the Committee decided that the time frame for a trainee/student should mirror the time frame of a technician (temporary permit), which is one (1) calendar year with a grace period of a single three (3) month extension. The Committee also decided to require a minimum of four (4) modules to be submitted per quarter to the administrative office to show that the applicant is actively enrolled in the A-STEP program, and require that all eighteen (18) modules must be completed within a one year time frame with a grace period of three (3) months. The Committee asked for a policy statement commensurate with the above until the Committee could promulgate a new rule. Ms. Lester made a motion to authorize the policy statement. Mr. Hughes seconded the motion. The motion carried.

Mr. Hughes made a motion to adjourn. Ms. Lester seconded the motion. The motion carried. The meeting adjourned at 1:00 p.m.

**These minutes were ratified by the Committee November 1, 2011.**